

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

EMORY G. SNELL, Jr.

Plaintiff

V.

C.A. No. 1:20-CV-12093-NMG

STEVEN DESCOTEAUX, MD

MARIA L. ANGELES, MD

CARLOS FLORES, NP

MICHELE LAFOUNTAIN, NP

CAROL MICI, COMMISSIONER,  
DEPARTMENT OF CORRECTION

JAMES M. O’GARA, DIRECTOR, ADA

KELLY HASTINGS.

DEPUTY SUPERINTENDENT

OF REENTRY

MCI-SHIRLEY

MICHAEL RODRIGUES.

SUPERINTENDENT.

MCI-SHIRLEY

## Defendants

## **DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendants Carol Mici, Commissioner of the Massachusetts Department of Correction (“Commissioner Mici”), Defendant James O’Gara, Director of the Americans with Disabilities Act (“Director O’Gara”), Defendant Kelly Hastings, Deputy Superintendent of Reentry at Massachusetts Correctional Institution – Shirley (“MCI-Shirley”) (“Deputy Hastings”), and Defendant Michael Rodrigues, Superintendent MCI-Shirley (“Superintendent Rodrigues”), collectively (“DOC Defendants”), hereby move this Court to dismiss the Plaintiff’s Complaint for failure to state a claim upon which relief can be granted. In support of this Motion, the Defendants submit the accompanying memorandum of law.

WHEREFORE, Defendants Carol Mici, James O’Gara, Kelly Hastings, and Michael Rodrigues respectfully request that the Court ALLOW their Motion to Dismiss Plaintiff’s Complaint.

Respectfully submitted,

DOC DEFENDANTS,

By their attorney,

NANCY ANKERS WHITE

Special Assistant Attorney General

Dated September 28, 2021

/s/ Connor C. Tarr

Connor C. Tarr, B.B.O. #706860

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**CERTIFICATE OF SERVICE**

I, Connor C. Tarr, hereby certify that on this 28<sup>th</sup> day of September, 2021, I caused the foregoing document to be filed via the Court’s electronic filing system (ECF) and caused a true and accurate copy of the foregoing document to be served on all non-registered parties via first-class mail, as follows:

Emory Snell, W59191  
MCI – Shirley  
Harvard Road  
P.O. Box 1218  
Shirley, MA 01464

/s/ Connor C. Tarr

Connor C. Tarr